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FILED
DISTRICT COURT OF GUAM

OCT 19 2006

MARY L.M. MORAN
CLERK OF COURT

7
8 **UNITED STATES DISTRICT COURT**
FOR THE
9 **DISTRICT OF GUAM**

10 UNITED STATES OF AMERICA
Plaintiff,

11 vs.

12 JAY K. CHAO

13 Defendant.

CRIMINAL CASE NO. 01-00123-001

ORDER

**RE: REQUEST TO VACATE
WARRANT FOR ARREST**

14
15 On October 11, 2006, an Order was issued by Designated U.S. District Court Judge John
16 Coughenour, ordering that a warrant of arrest be issued for Jay K. Chao based on the United States
17 Probation Office's Declaration in Support of Petition and in accordance with the 9th Circuit decision
18 in U.S. v. Vargas-Amaya. Based on the Order issued on October 11, 2006, the warrant of arrest
19 issued for Jay K. Chao on October 27, 2003 should be vacated for the reasons that it was not
20 supported by an oath or affirmation as required by the Fourth Amendment and as affirmed in the 9th
21 Circuit decision in U.S. v. Vargas-Amaya. The Court hereby GRANTS the request to vacate the
22 Warrant of Arrest issued on October 27, 2003.

23 SO ORDERED this 19 day of October 2006.

24
25 
26 LARRY ALAN BURNS*
27 District Court of Guam

28 *The Honorable Larry Alan Burns, United States District Judge for Southern District of
California, by designation.